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**REMARKS**

Claims 1-4, 6-17, and 19-22 are now pending in this application. Claims 5 and 18 have been cancelled, and new claims 21 and 22 have been added. Reconsideration of this application is requested.

**35 U.S.C. § 112 Rejection**

In response to the rejection of claims 17 and 19 under the second paragraph of 35 U.S.C. § 112 as being indefinite, claims 17 and 19 have been amended to eliminate any issue of indefiniteness that may have existed. Accordingly, reconsideration and withdrawal of these grounds of rejection are requested.

**35 U.S.C. § 102 Rejection**

The rejection of claims 9, 10 and 12 as being anticipated by Kawamura et al., U.S. Patent No. 6,522,354 ("Kawamura"), is respectfully traversed to the extent that this rejection may be applied to the claims as amended.

Claim 9 requires automatically replacing an archived image with a newly captured image if a memory of an image capturing device lacks sufficient free space to store said newly captured image. Kawamura discloses an image capturing device (electronic camera) that associates a visual indication, such as an icon, with a displayed image that has been transferred out of the camera. For example, as shown in Fig. 6, images 1 and 3 which have been transferred to a PC have PC icons 52 associated therewith. Images 5 and 6 which have been transmitted over a communication medium have telephone icons 51 associated therewith. In this way, a user of the camera can readily determine those images that may be erased from the camera's memory. According to Kawamura, images transmitted over a communication medium such as a telephone line have not been necessarily archived or backed-up, and therefore the user needs to exercise care when erasing such images as no archived copy may exist.

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However, Kawamura fails to teach any mode of operation wherein an archived image will be replaced with a newly captured image, if the memory lacks sufficient free space to store the newly captured image. Instead, it is left to the user of the Kawamura camera to make a determination of existing memory capacity, and to select which images to erase, before attempting to capture a new image. In this regard, it is noted that the user is not even required to erase transferred images, but may erase any stored image including non-archived images. See col. 7, ll. 20-25. As such, the invention set forth in claim 9 presents a significant improvement over the Kawamura camera in that accidental erasure of non-archived images is prevented.

### **35 U.S.C. § 103 Rejections**

The rejection of claim 11 as being unpatentable over Kawamura in view of Official Notice is traversed. Claim 11 depends from claim 9 and thus includes the limitations of claim 9. Additionally, Kawamura discloses image transfer to a PC, or image transmission over a telephone line. There is no removable memory in Kawamura and there does not appear to be any teaching, suggestion or motivation present in Kawamura to add a removable memory. Withdrawal of this ground of rejection is requested.

Claims 1-8, 13-15 and 17-20 stand rejected as being unpatentable over Kawamura in view of Lambert, U.S. Patent No. 6,421,080. Claim 1 is directed to an image capturing device having a processor that determines whether any images stored in a memory of the device are archived images, as indicated by stored image status data, and that replaces archived images with newly captured images when there is insufficient free space in the memory to store such newly captured images. Claim 13 is directed to an analogous method of memory management for an image capturing device.

The Office action alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced one or more archived images in the Kawamura camera memory with a newly captured image when

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insufficient free space exists to store the newly captured image in the memory. This ground of rejection also is respectfully traversed.

Lambert is directed to a digital surveillance system in which video data from multiple cameras is temporarily stored in a cache. The captured video data is analyzed for the occurrence of a "trigger event," which would cause the video data in the cache to be marked for storage and subsequently read from the cache and written to a hard disk for storage. The stored video data is then tagged as "stored" in the cache. Lambert discloses that for any images in the cache tagged as "stored" but later in time than images tagged as "marked for storage" but not yet stored, the last image residing in the long-term storage is reset to correspond to the last image with a time earlier than the event triggering time. In this way, all later occurring images already written to disk are written over with earlier occurring images corresponding to the triggered event, and then subsequently copied again from cache in proper time sequence order. See col. 6, ll. 3-21. In this way, Lambert states that video images of pre-event triggering occurrences may be stored in addition to post-event triggering occurrences, without requiring an unlimited amount of video storage capacity.

Lambert further discloses that the cache is reused by overwriting the oldest video frame with a new image file when the cache is full. Col. 5, ll. 21-23. However, Lambert does not disclose any prohibition against overwriting any video images in the cache. As stated by Lambert, none of the images are removed from cache when written to disk, but removed only as a result of the cache reuse arrangement. Col. 5, ll. 40-45. The sole purpose disclosed by Lambert for tagging cache images as "marked for storage" and "stored" is to assure that video images written to long term storage are stored in proper time sequence when overlapping trigger events occur. Lambert nowhere discloses or mentions that such tags are used to determine which cache video images are to be replaced. To the contrary, Lambert is unequivocal in disclosing that the oldest dynamic video frame always is replaced with new video when the cache is full. See col. 5, ll. 18-20; Fig. 3, steps 108 and 202.

In view of the above, there exists no teaching or suggestion in Lambert to replace archived images with newly captured images in the Kawamura camera if the memory

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has insufficient free space to store such new images. To the contrary, Lambert suggests that if the memory is full and a new image needs to be stored, then the oldest data in the memory would be simply overwritten with the new image data.

### Conclusion

In view of the foregoing, claims 1-4, 6-17, and 19-22 are submitted to be patentable over the prior art of record, whether considered individually or in combination. Withdrawal of the outstanding grounds of rejection and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 08-2025.

RESPECTFULLY SUBMITTED,					
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